



General Assembly

**Substitute Bill No. 229**

February Session, 2010

\* \_\_\_\_SB00229PH\_\_\_\_041410\_\_\_\_ \*

**AN ACT CONCERNING THE PRETRIAL SUPERVISED  
DIVERSIONARY PROGRAM FOR PERSONS WITH PSYCHIATRIC  
DISABILITIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-56l of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) There shall be a supervised diversionary program for persons  
4 with psychiatric disabilities accused of a crime or crimes or a motor  
5 vehicle violation or violations for which a sentence to a term of  
6 imprisonment may be imposed, which crimes or violations are not of a  
7 serious nature. For the purposes of this section, "psychiatric disability"  
8 means a mental or emotional condition, other than solely substance  
9 abuse, that (1) has substantial adverse effects on the defendant's ability  
10 to function, and (2) requires care and treatment.

11 (b) A person shall be ineligible for participation in such supervised  
12 diversionary program if such person (1) is ineligible to participate in  
13 the pretrial program for accelerated rehabilitation under subsection (c)  
14 of section 54-56e, or (2) has twice previously participated in such  
15 supervised diversionary program.

16 (c) Upon application by any such person for participation in such  
17 supervised diversionary program, the court shall, but only as to the

18 public, order the court file sealed, provided such person states under  
19 oath, in open court or before any person designated by the clerk and  
20 duly authorized to administer oaths, under penalties of perjury, that  
21 such person has not had such supervised diversionary program  
22 invoked in such person's behalf more than once. Court personnel shall  
23 provide notice, on a form approved by rule of court, to any victim of  
24 such crime or motor vehicle violation, by registered or certified mail,  
25 that such person has applied for the supervised diversionary program  
26 and that such victim has an opportunity to be heard by the court on  
27 the matter.

28 (d) The court shall refer such person to the Court Support Services  
29 Division for confirmation of such person's eligibility [and assessment  
30 of the person's mental health condition] for participation in such  
31 supervised diversionary program. The prosecuting attorney shall  
32 provide the division with a copy of the police report in the case to  
33 assist the division in [its assessment] confirming such person's  
34 eligibility. The division shall consult with a mental health professional  
35 to determine if [the person is amenable to] such person has a  
36 psychiatric disability with symptoms that can reasonably be expected  
37 to be diminished by participating in treatment services, if such person  
38 is amenable to participating in such treatment services, and if  
39 appropriate [services and] treatment services are available. If the  
40 division determines that [the person is amenable to] such person has a  
41 psychiatric disability with symptoms that can reasonably be expected  
42 to be diminished by participating in treatment services, that such  
43 person is amenable to participating in such treatment services and that  
44 appropriate [services and] treatment services are available, [it] the  
45 division shall develop a plan for treatment [plan] services tailored to  
46 the person and shall present [it] the plan to the court.

47 (e) Upon confirmation of eligibility and consideration of the plan for  
48 treatment [plan] services presented by the Court Support Services  
49 Division, the court may grant [such] the application. If the court grants  
50 the application, such person shall be referred to the division. The  
51 division shall collaborate with the Department of Mental Health and

52   Addiction Services or a service provider to place such person in a  
53   program that provides appropriate [community supervision, treatment  
54   and] treatment services. The person shall be subject to the supervision  
55   of a probation officer who has a reduced caseload and specialized  
56   training in working with persons with psychiatric disabilities. The  
57   period of probation or supervision, or both, for any person in the  
58   supervised diversionary program shall not exceed two years.

59       (f) The Court Support Services Division shall establish [policy]  
60   policies and procedures to require division employees to notify any  
61   victim of the person admitted to the supervised diversionary program  
62   of any conditions ordered by the court that directly affect the victim  
63   and of such person's scheduled court appearances with respect to the  
64   case.

65       (g) Any person who enters the supervised diversionary program  
66   shall agree: (1) To the tolling of the statute of limitations with respect  
67   to such crime or violation; (2) to a waiver of such person's right to a  
68   speedy trial; and (3) to any conditions that may be established by the  
69   division concerning participation in the supervised diversionary  
70   program including conditions concerning participation in meetings or  
71   sessions of the supervised diversionary program.

72       (h) If the Court Support Services Division informs the court that  
73   such person is ineligible for the supervised diversionary program and  
74   the court makes a determination of ineligibility or if the division  
75   certifies to the court that such person did not successfully complete the  
76   assigned supervised diversionary program, the court shall order the  
77   court file to be unsealed, enter a plea of not guilty for such person and  
78   immediately place the case on the trial list.

79       (i) If such person satisfactorily completes the assigned supervised  
80   diversionary program, such person may apply for dismissal of the  
81   charges against such person and the court, on reviewing the record of  
82   such person's participation in such program submitted by the Court  
83   Support Services Division and on finding such satisfactory completion,

84 shall dismiss the charges. If such person does not apply for dismissal  
85 of the charges against such person after satisfactorily completing the  
86 assigned program, the court, upon receipt of the record of such  
87 person's participation in such program submitted by the Court  
88 Support Services Division, may on its own motion make a finding of  
89 such satisfactory completion and dismiss the charges. Except as  
90 provided in subsection (j) of this section, upon dismissal, all records of  
91 such charges shall be erased pursuant to section 54-142a. An order of  
92 the court denying a motion to dismiss the charges against a person  
93 who has completed such person's period of probation or supervision  
94 or terminating the participation of a person in such program shall be a  
95 final judgment for purposes of appeal.

96 (j) The Court Support Services Division shall develop and maintain  
97 a database of information concerning persons admitted to the  
98 supervised diversionary program that shall be available to the state  
99 police and organized local police departments for use by sworn police  
100 officers when responding to incidents involving such persons. Such  
101 information shall include the person's name, date of birth, Social  
102 Security number, the violation or violations with which the person was  
103 charged, the dates of program participation and whether a deadly  
104 weapon or dangerous instrument was involved in the violation or  
105 violations for which the program application was granted. The  
106 division shall enter such information in the database upon such  
107 person's entry into the supervised diversionary program, update such  
108 information as necessary and retain such information for a period of  
109 five years after the date of such person's entry into the supervised  
110 diversionary program.

111 (k) The Court Support Services Division, in collaboration with the  
112 Department of Mental Health and Addiction Services, shall develop  
113 standards and oversee appropriate treatment [programs] services to  
114 meet the requirements of this section and may contract with service  
115 providers to provide such [programs] services or assist in placing  
116 persons pursuant to subsection (e) of this section.

117 (l) The Court Support Services Division shall retain the police report  
118 provided to it by the prosecuting attorney and the record of  
119 supervision including the dates of supervision and shall provide such  
120 information to the court, prosecuting attorney and defense counsel  
121 whenever a court is considering whether to grant an application by  
122 such person for participation in the supervised diversionary program  
123 for a second time.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2010</i>	<i>54-56l</i>
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**JUD**      *Joint Favorable Subst.*

**PH**        *Joint Favorable*